

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2013 SEP -5 PM 3:19

CLERK'S OFFICE
AT BALTIMORE

UNITED STATES OF AMERICA,

:

Plaintiff,

:

v.

:

Civil No.

JFM13CV2585

\$17,190.00 in U.S. CURRENCY,

:

Defendant.

:

: : : : : :

VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, the UNITED STATES OF AMERICA, by its attorneys, Rod Rosenstein, United States Attorney for the District of Maryland, and Stefan D. Cassella, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action against United States currency which was furnished or intended to be furnished in exchange for a controlled substance or listed chemical, or constituted proceeds traceable to an exchange of controlled substances or moneys used to facilitate a violation of 21 U.S.C. § 841, and therefore should be forfeited to the United States of America pursuant to 21 U.S.C. § 881(a)(6).

THE DEFENDANTS IN REM

2. The defendant property consists of \$17,190.00 in U.S. Currency (hereinafter, the "Defendant Property").

3. The Defendant Property was seized on February 13, 2013, pursuant to the execution of a court ordered search and seizure warrant at 2211 Callow Avenue, Baltimore, Maryland, and subsequently was placed in the custody of the United States Marshals Service in the District of Maryland where it remains.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 21 U.S.C. § 881.

5. This court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the Defendant Property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to forfeiture occurred in this district and pursuant to 28 U.S.C. § 1395 because the Defendant Property is located in this district.

BASIS FOR FORFEITURE

7. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes: (1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such an exchange; and (3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

FACTS

8. The forfeiture is based upon, but not limited to, the evidence outlined in the attached Declaration of Maria E. Pena, Task Force Officer of the Drug Enforcement Administration, which is incorporated herein by reference.

WHEREFORE, THE Plaintiff prays as follows:

1. That any person or persons having any interest therein be cited to appear herein and answer the Complaint;
2. That a Warrant of Arrest *in rem* issue to the United States Marshal commanding the arrest of the Defendant Property;
3. That Judgment of Forfeiture be decreed against the Defendant Property;
4. That upon Final Decree of Forfeiture, the United States Marshal dispose of the Defendant Property according to law;
5. That the Plaintiff have such other and further relief as the case may require.

Dated: September 5, 2013

Respectfully submitted,

Rod J. Rosenstein
UNITED STATES ATTORNEY
District of Maryland

Handwritten signature of Stefan D. Cassella in black ink, with a stylized 'S' and 'C' and a flourish at the end.

Stefan D. Cassella
Assistant United States Attorney
36 South Charles Street
Fourth Floor
Baltimore, Maryland 21201
Tel: (410) 209-4800

DECLARATION

This affidavit is submitted in support of a complaint for forfeiture of the seizure of \$17,190.00 in United States currency seized from Michael Brown, Sr., at 2211 Callow Avenue, Maryland.

I, Maria E. Pena, task force officer of the Drug Enforcement Administration, submit that there are sufficient facts to support a reasonable belief that the \$17,190.00 in United States currency constitutes (1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such an exchange; and (3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act in violation of 21 U.S.C. § 841 and thus is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

a. On December 12, 2012, Michael Brown, Jr. (Brown Jr.) was engaged in narcotics-related activity in the alley in the rear of 2211 Callow Avenue, Baltimore, Maryland.

b. Subsequently, officers with the Baltimore City Police Department approached Brown Jr., who fled the alley and ran into the residence located at 2211 Callow Avenue.

c. Officers pursued Brown Jr. inside the residence located at 2211 Callow Avenue, where they apprehended and arrested Brown Jr. for engaging in narcotics-related activity.

d. Officers recovered four vials of cocaine from Brown Jr.'s person.

e. On January 31, 2013, Brown Jr. was engaged in narcotics-related activity with Rodney Cooper.

f. At that time, Brown Jr. was in possession of a distribution quantity of cocaine.

g. Subsequently, officers with the Baltimore City Police Department arrested Brown Jr. and charged him with narcotics violations.

h. On February 4, 2013, officers with the Baltimore City Police Department sought and obtained a search and seizure warrant for Brown Jr.'s residence located at 2211 Callow Avenue, Baltimore, Maryland ("the Residence"), and Brown Jr.'s person.

i. On February 13, 2013, officers with the Baltimore City Police Department executed the search and seizure warrant for the Residence.

j. Upon the officers' entry, a subject later identified as Michael Brown Sr. (Brown Sr.) ran out of the back of the Residence.

k. Cierra Brown, Brown Jr., and three other juveniles were also in the Residence when the search and seizure warrant was executed.

l. Brown Sr. fled from the second floor middle bedroom and exited the back of the Residence onto the rear deck holding two large objects in both of his hands.

m. Officers covering the rear area of the house observed Brown Sr. and voiced commands for Brown Sr. to get on the ground.

n. Brown Sr. shouted to the officers, "fuck y'all," ran towards the right of the deck where there was a gap between the homes, then bent over and came back up with nothing in his hands.

o. Brown Sr. was apprehended and placed in handcuffs.

p. From rear deck area of the Residence where Brown Sr. was observed, officers recovered: one (1) clear zip-lock bag with a butterfly emblem containing one hundred (100) vials of cocaine, and one (1) broken clear zip-lock bag with a butterfly emblem containing ninety five (95) vials of cocaine. Additionally, officers located in a crack in a wood panel: five (5) vials containing a white rock substance (suspected crack cocaine), but officers were unable to reach and recover the vials.

q. Officers conducted a search of the Residence and recovered the following items from the second floor middle bedroom:

1. Two (2) foam plates containing cocaine;
2. A razor blade containing cocaine residue;
3. A black digital scale containing cocaine residue;
4. A plastic bag containing cocaine residue;
5. Nine (9) yellow top vials containing cocaine, located loosely on the bed;
6. One (1) clear zip-lock bag with a butterfly emblem containing ten (10) yellow top vials containing cocaine;
7. Over three hundred (300) empty yellow top vials, consistent with the yellow top vials recovered from the rear deck of the Residence where Brown Sr. was observed disposing of them;
8. A safe containing \$17,190.00 in United States currency, along with two correctional institution identifications for Brown Sr.;
9. Miscellaneous paperwork with Brown Sr.'s name on it.

r. The ashtray in the rear bedroom where Cierra Brown sleeps contained a hand-rolled cigar containing marijuana.

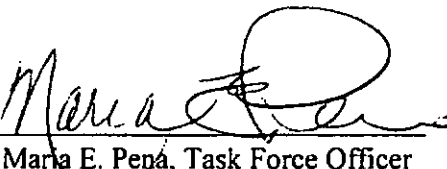
s. The third floor bedroom contained a zip-lock bag containing numerous additional empty zip-lock bags.

t. Brown Sr., Cierra Brown, and Brown Jr. were arrested and charged with controlled dangerous substance violations.

u. Brown Sr. has a criminal history containing multiple arrests and convictions for drug-related offenses.

- v. Brown Sr. has utilized numerous dates of birth and variations of his name.
- w. Brown Sr. has no source of legitimate income.

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO TITLE 28 U.S.C. § 1746 THAT THE FACTS SUBMITTED BY THE BALTIMORE CITY POLICE DEPARTMENT, IN REFERENCE TO THE SEIZURE OF \$17,190.00 IN UNITED STATES CURRENCY FROM MICHAEL BROWN, SR., ARE ACCURATE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.




Maria E. Pena, Task Force Officer
Drug Enforcement Administration

VERIFICATION

I, Richard C. Kay, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Verified Complaint for Forfeiture is based on reports and information furnished to me by the Drug Enforcement Administration and that everything contained therein is true and correct to the best of my knowledge and belief.

Dated: September 5, 2013


Richard C. Kay
Assistant U.S. Attorney

MEMORANDUM

DATE: September 5, 2013

TO: Kristine Cupp
U.S. Marshal Service

FROM: Naquita C. Ervin
FSA Paralegal Specialist
U.S. Attorney's Office - District of Maryland

RE: **U.S. v. \$17,190.00 in U.S. Currency**

Civil Action No.

CATS ID 13-DEA-580663

The United States has filed a forfeiture action against **\$17,190.00 in U.S. Currency**. A copy of the Complaint for Forfeiture is attached.

Notice of this seizure will be published at www.forfeiture.gov pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

Thank you.

Attachment

**U.S. Department of Justice
United States Marshals Service**

**PROCESS RECEIPT AND
RETURN**

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER JFM13CV2585
DEFENDANT \$17,190.00 in U.S. CURRENCY	TYPE OF PROCESS Verified Complaint in Rem

SERVE

AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
13-DEA-580663/ GD-13-0173

ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Naquita C. Ervin, FSA Paralegal Specialist
U.S. Attorney's Office
36 S. Charles Street, 4th floor
Baltimore, Maryland 21201

Number of process to be
served with this Form - 285

Number of parties to be
served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Arrest property. Fill in the date of arrest in this process receipt and return our copy.

Signature of Attorney or other Originator requesting service on behalf of:

Stefan D. Cassella /s/

TELEPHONE
NUMBER
410-209-4800

DATE
9/5/13

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process No. _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk _____	Date _____
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.					
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).					
Name and title of individual served (If not shown above): _____				<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address (complete only if different than shown above) _____				Date of Service	Time am pm
				Signature of U.S. Marshal or Deputy _____	
Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or Refund

REMARKS: